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Tracing the use of evaluations in legislative processes in Swiss cantonal parliaments

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Several studies have challenged the notion that members of parliament use information from evaluations to make policies. However, it is also argued that the function of evaluations in an inherently political context such as parliament is to provide arguments and justifications rather than simply supply information for policymaking. This paper provides a fine-grained account of the use of evaluations by members of parliament in the context of political conflict. Previous research has highlighted the importance of this factor, but the findings are controversial. Here, four case studies of policy processes in two Swiss cantonal parliaments illustrate that political conflict is highly context-specific. Documentary analysis and interviews show that the members of parliament used evaluations to inform themselves as well as to gain political support in the moderately contested case. This both supports and challenges previous research. Comparing the cases reveals that the administration's use of evaluations strongly influences their use in the non-professional cantonal parliaments. However, Switzerland's semi-direct democracy and its conflict-resolving mechanisms shape and limit this role, particularly if political conflict is high.

Keywords: evaluation use; policymaking; parliament; Switzerland; case study

Introduction

The question of how evaluations are used is at the centre of research on evaluation; however, comparatively few studies have been devoted to members of parliament (MPs) as users of evaluations. Dealing with increasingly complex and interconnected issues, modern parliaments are confronted with the demand to base their policies and decisions on sound

evidence such as that provided by evaluations. From a democratic theory perspective, this also raises fears that pursuing a rational, technical approach to policymaking undermines the representative function of parliaments. Yet, research does not support such fears of technocratic policymaking in parliaments. Rather than base policies on evaluations, MPs use them for political purposes such as bolstering arguments or legitimizing decisions (Frey, 2012; Shulock, 1999; Weiss, 1989; Whiteman, 1985). Scholars have argued that research needs to integrate the inherently political context of parliaments and “the political factors which affect use” (Whiteman, 1985, p. 294). According to this argument, the role of evaluation is not only to inform policies but to provide explanations, arguments, and justifications (Henry, 2000; Majone, 1989; Shulock, 1999).

This paper aims to answer the following questions: When, by whom, and for what purposes are evaluations used in the parliamentary policy process? In this respect, the paper further addresses the question of how evaluation use is shaped by political conflict. Many scholars have highlighted the role of this context factor (Esterling, 2011; Frey, 2012; Jenkins-Smith & Sabatier, 1993; Whiteman, 1985). However, previous findings are contradictory. Evaluation use has been observed both in stable political contexts and when issues were controversial and political actors disagreed (Nutley, Walter, & Davies, 2007).

By studying four most similar cases of policy processes in two Swiss cantonal parliaments, this paper investigates evaluation use across different levels of political conflict. Switzerland’s semi-direct democracy¹ is often seen as an obstacle for evaluation use. In order to prevent the failure of bills in referendums, Swiss policymaking is oriented towards gathering consensus. This leaves little room for evidence to shape policymaking, particularly

¹ The system in Switzerland is described as a semi-direct democracy. It mixes both representative and direct democracy, as a referendum is not mandatory for all decisions (Linder, 2010).

if the political actors have strongly conflicting interests and a referendum is already expected at early stages of the policy process (Sager & Rissi, 2011; Widmer & Neuenschwander, 2004). Yet, the institutionalization of evaluation in Switzerland is very advanced compared to other countries, notably in the legislatures (Jacob, Speer, & Furubo, 2015). In a recent survey, Swiss cantonal and federal MPs also indicated that they seek and use evaluations rather frequently (Author et al., 2014). Swiss parliaments are generally non-professional, and previous research on the federal parliament has highlighted the importance of the administration for policymaking and evaluation use (Frey & Widmer, 2011; Widmer, 2009). This is supposedly more pronounced in the member states of the cantons whose parliaments have fewer resources than the federal parliament. Having their own constitutions, parliaments, governments, and courts, the cantons retain all powers that are not constitutionally granted to the Federation (Linder, 2010). Therefore, the cantons both share a common framework and have comprehensive legislative competencies, which makes them ideally suited for case comparisons.

Evaluation use is traced by examining diverse documents from governments, parliaments, and political parties and through interviews with MPs and civil servants. The case studies show that the MPs most often used evaluations to inform themselves in the comparatively moderately contested case. This supports previous hypotheses stating that MPs should be particularly open to evaluations in such situations (Jenkins-Smith & Sabatier, 1993). The case study evidence also contrasts with previous studies (Frey, 2012; Jenkins-Smith & Sabatier, 1993; Whiteman, 1985), because the MPs made comparatively little use of evaluations to gather political support in the most contested case. The case comparison shows that political conflict is shaped by the framing of the issue at hand and suggests that the administration's

use of evaluations can facilitate MPs' use of them. However, if political conflict is high and a referendum is expected, the impact of the administration's use is limited.

This paper first provides an overview of the legislative procedure in the Swiss cantons. It then defines evaluation use and political conflict as a context factor. After a description of the methodological approach, the case study evidence is presented. The paper concludes with a comparison of the cases and a discussion.

Law-making in the Swiss cantons

While exact rules and procedures differ between the cantons, this paper distinguishes three broad phases of legislative procedure²: pre-parliamentary, parliamentary, and post-parliamentary. In the *pre-parliamentary phase*, after the legislative procedure has been initiated, an administrative unit drafts a bill and consults the administration and third parties such as municipalities, interest groups, and political parties. Then, the government decides on the proposed bill and submits its proposal to the parliament. This decision marks the beginning of the *parliamentary phase*. The bill is then assigned to a parliamentary committee for preliminary deliberation. The committee can usually hold hearings to consult interest groups, practitioners, and experts. Consequently, this step is thought to be important for involving evaluations in the process. After deliberation in the committee and the parliamentary party groups, the bill is discussed in a plenary meeting. The parliament first decides whether to enter the bill and, if it does, proceeds to the first reading of the bill, in which the bill is discussed paragraph by paragraph. After a more or less extensive second reading in the committee, the parliamentary party groups, and subsequently the plenum, the parliament usually proceeds to the final vote. In the *post-parliamentary phase*, the law is published and, if

² This distinction is similar to Linder's (2010) for the federal level.

requested, a referendum is held. In some cantons, the referendum can include a counterproposal, by which voters can propose specific amendments to the bill. The parliament then discusses this counterproposal and decides on giving a recommendation to the voters and if it does, whether to recommend the initial bill or the counterproposal.

This paper focuses on the pre-parliamentary and particularly on the parliamentary phase. Previous research suggests that evaluation use occurs in diverse forms in the pre-parliamentary and early parliamentary phases, but in the later stages its use for political purposes prevails (Weiss, 1989; Whiteman, 1985). Moreover, the documents prepared by the administration in the pre-parliamentary phase are thought to be an important information source for the MPs.

Theoretical framework

Evaluation use: definition and forms of use

This paper investigates the use of policy evaluations. However, it is questionable whether MPs differentiate evaluations from other studies (Frey, 2012). The MPs' use of evaluations is therefore understood to mean that MPs use information that is usually acquired from policy evaluations. In order to define the information acquired from policy evaluations, this paper draws on the logic model of a (public) policy. The logic model represents an implicit theory of how a policy³ works. It describes the causal relationships assumed to exist between the elements of a policy. The logic model usually distinguishes five stages: input, process, output, outcome, and impact (WK Kellogg Foundation, 2004). An evaluation consequently provides information about one of these stages, and the information was gained by following a

³ The logic model is also used for other objects of evaluations.

systematic and transparent approach. This paper hence refers to the use of the findings of evaluations and not to changes due to MPs' participation in evaluations, which rarely occurs.

This paper further distinguishes between analytical use and political use of evaluations. This distinction follows from Frey's (2012) conception, but it is also connected to the classical forms in research on evaluation. Analytical use encompasses instrumental and conceptual forms of use. The starting point of analytical use is to draw on or to solicit evaluations as tools with which to improve policies. MPs therefore have to be open to findings and to altering their position. Political use lacks this intent of improvement and refers to all forms of symbolic use for the purpose of gaining political support. MPs do not have to alter their position to use evaluations politically. Moreover, those two forms are understood to be both complementary and substitutive.

MPs can acquire the information provided by evaluations in different ways. They can, for instance, read an evaluation report or its management summary. However, their resources for gathering knowledge, particularly time, are restricted. As information is often transmitted orally in parliaments, it seems more likely that MPs acquire information through presentations by experts or the administration (Frey & Widmer, 2011; Weiss, 1989; Whiteman, 1995); MPs do not have to read evaluations themselves in order to use them.

Political conflict

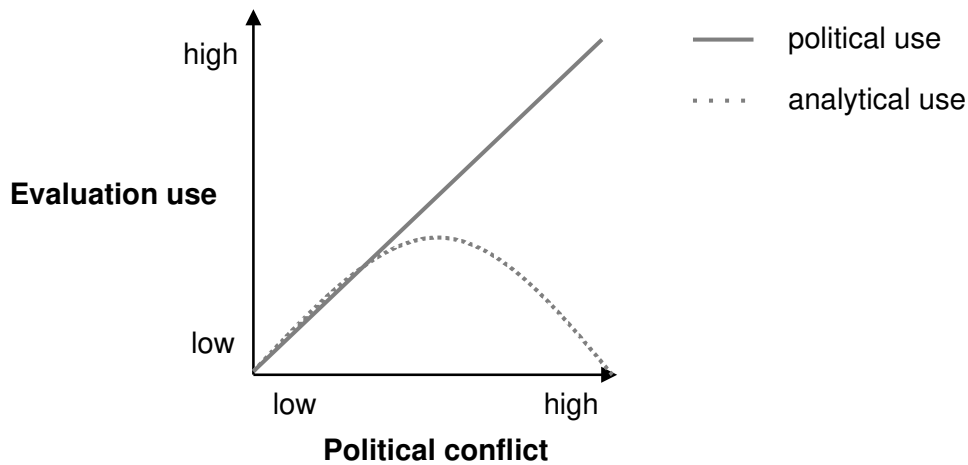
Political conflict is a context factor that has been much discussed in research on evaluation use. Jenkins-Smith and Sabatier (1993, p. 49) describe it in their framework as "the degree of incompatibility of basic beliefs of competing coalitions", and it can basically be understood to mean the degree to which political actors disagree concerning a decision (Boswell, 2009; Esterling, 2011). Most previous research suggests that a high level of political conflict hinders

analytical use (Jenkins-Smith & Sabatier, 1993; Weiss, 1999; Whiteman, 1985). Within such environments, MPs are less receptive or entirely unreceptive to sound evidence. Contrasting arguments are that the more that is at stake, the more important it is to be adequately informed, and that evaluation can also contribute to resolving political conflicts (Nutley, et al., 2007; Valovirta, 2002). Other theories consider the relationship between analytical use and political conflict as non-linear. They expect analytical use to occur most often in environments with a moderate level of political conflict. Investing in analytical activities does not seem necessary when an issue causes no or barely any disagreement, and at moderate levels of political conflict, actors rather feel the need to inform themselves and are still open to evidence (Jenkins-Smith & Sabatier, 1993). Similar to analytical use, some scholars also expect political use to occur most often in situations with moderate levels of political conflict, as MPs are then most receptive to evidence-based arguments (Esterling, 2011). However, most previous research indicates that MPs feel particularly inclined to use evaluations politically within high-conflict environments (Frey, 2012; Jenkins-Smith & Sabatier, 1993; Weible, 2008; Whiteman, 1985). If much is at stake, MPs should not only feel the need to integrate evaluations in their argumentation, but also to use them as a tactical means to delay the process or for other, diverse political purposes.

As Figure 1 shows, it is expected that MPs most often use evaluations analytically in situations of moderate political conflict. It is also expected that the higher the level of political conflict, the more often MPs use evaluations politically. If one uses an evaluation analytically to become informed, it seems intuitive to also use it politically, for example by referring to it in a speech. Political use is therefore always depicted as being as high as or higher than analytical use. Moreover, while political conflict and evaluation use have so far

been treated as continuous variables, they are reduced to categories for the comparison and analysis of the cases.

Figure 1: Relationship of evaluation use and political conflict



Case selection and methodological approach

Evaluation use is investigated in four cases of parliamentary policy processes concerning policy measures. Each case is therefore embedded in a parliamentary policy process concerning a larger policy project with several policy measures. Two cases are analysed for the cantonal parliaments of Bern and Zurich respectively, so that each case has a matching counterpart in the other parliament. The four cases concern two policy measures:

- Usage-based billing of heating and domestic hot water (UBB)
- Taxation scheme for energy-efficient cars

The case selection follows the logic of most similar cases. Both measures can be considered as hard, technical issues. The policy fields of energy and transportation policy have been selected because most decisions lie within the competence of the cantonal parliaments and evaluation activity is fairly well developed in these fields. Bern and Zurich seem suited for the case studies, as they are both large cantons that have the resources to conduct or

commission studies. Their cantonal parliaments are also similar in size, professionalization, and party system. Additionally, evaluations⁴ were available in all cases. If this were not so, evaluations of course could not be used and the cases would not be relevant to this study (Mahoney & Goertz, 2004). These selection criteria and conditions generally facilitate evaluation use. Technical issues should be easier to comprehend analytically, which should foster analytical use in particular (Frey, 2012; Jenkins-Smith & Sabatier, 1993). While political use also seems probable in technical issues, the literature remains unclear whether they are particularly prone to political use (Boswell, 2009; Jenkins-Smith & Sabatier, 1993).

The cases differ mainly in their levels of political conflict. The usage-based billing of heating and domestic hot water was less contested in either canton than the taxation scheme for energy-efficient cars⁵. The parliamentary committee systems differ in the two cantons. Zurich has a standing committee system, whereas Bern had an ad-hoc committee system at the time of the study⁶. While this case selection therefore facilitates the cases' comparison, it limits the generalizability of the findings to rather technical policy measures in Swiss cantons.

Official documents from the executive, the minutes of the committee and plenary meetings, evaluation reports and the political parties' media releases⁷ are analysed to reconstruct the

⁴ The cantons selected should be the object of at least one evaluation. If only ex ante evaluations were available, this criterion was extended to the cantons in general.

⁵ The vote results in the plenary debate (final vote, minority proposals) and the existence of a referendum served as criteria to select cases.

⁶ Standing committees are permanent bodies, whereas ad hoc committees are only appointed for one bill. Bern changed to standing committees in June 2014, a change that does not concern the cases analysed in this study.

⁷ Pre-parliamentary phase: law effective during policy process, MPs' parliamentary requests and minutes of the corresponding plenary debate, consultation procedure's documentation (decrees of the Government Council, bill, report, parties' answers), government's proposal (bill, report). Parliamentary phase: protocols of the

policy process, to trace the evaluation use, and to identify and describe the evaluations that may have been at the MPs' disposal. Moreover, up to four interviews were conducted per case. One of the interviews was conducted with a civil servant; the other interviewees are current or former MPs⁸. A case study protocol was used to set the guidelines for conducting and comparing the case studies.

The analysis follows the questions of when evaluations were used, by whom and for what purposes. Their use by MPs, the political parties, and the administration is examined. The administration is included as it is likely that, when presenting evaluations in the documents, it also provides an important model for the MPs and their use. The analysis of analytical use is mainly based on the interviews and the syntheses of the cases. Identifying the actors' intentions is, however, only possible to some extent, as it is dependent not only on the actors' memories but also on their interpretation and on their willingness to openly communicating their recollection of events. Political use can additionally be observed in the documents when the political actors refer to evaluations. For the analysis, it is assumed that the later that evaluation use occurs, the more likely it is to be for the purpose of gaining political support.

The documents and the interviews are also analysed to better characterize the political conflict. As the committee and plenary discussions of paragraphs are organized by the minority proposals of MPs or groups, the number and votes on these proposals are studied. Whether prominent actors can be identified on both sides further characterizes the conflict. It

committee and plenary meetings, additional reports of the government; both phases: press releases of the seven principal parties; evaluation reports published between the last amendment of the measure and the final vote. Committee protocols are confidential; the other documents are all publicly available.

⁸ In total 14 interviews. MPs: the committee's president, one prominent proponent or opponent in the committee.

is also considered whether a referendum was probable and whether the measure studied was of importance within the larger policy project and with respect to a possible referendum.

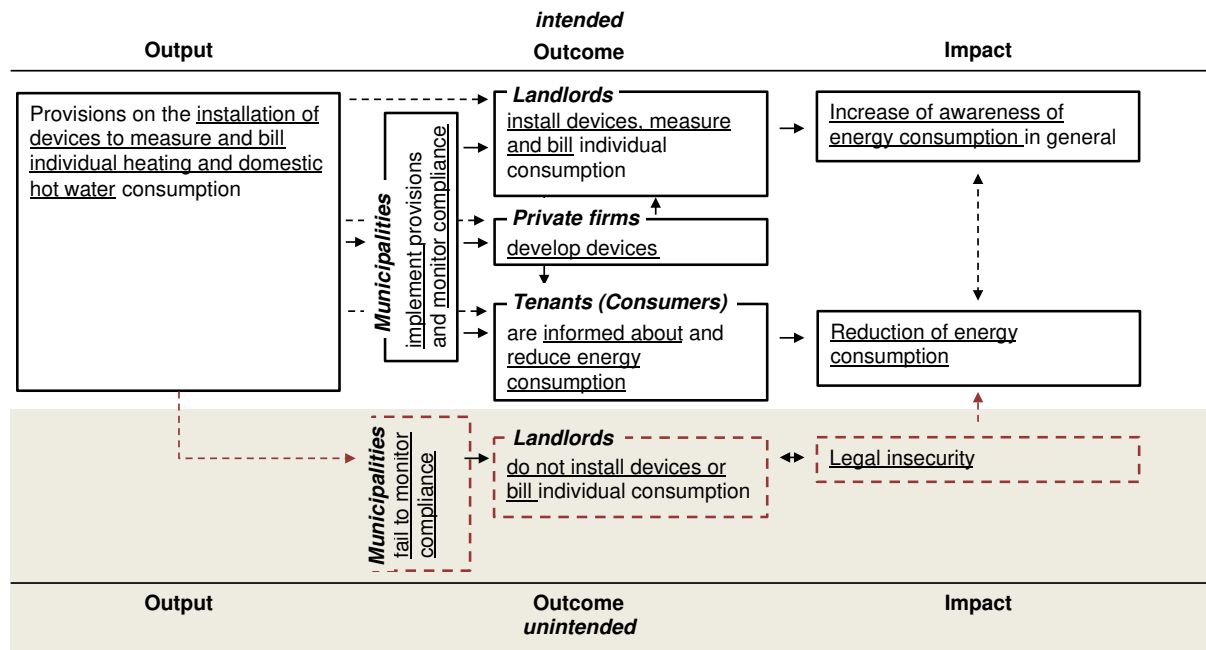
The following descriptions of the case studies each begin by presenting the policy measure and the evaluations available. Afterwards, the policy process, the political conflict, and analytical and political use are portrayed, first for the Canton of Bern and then for the Canton of Zurich.

Case study: Usage-based billing of heating and domestic hot water

Usage-based billing of heating and domestic hot water (UBB)⁹ is a policy measure intended to decrease the energy consumed for heating and hot water by installing devices that measure this consumption and then bill accordingly for each apartment (see Figure 2 for a detailed logic model). While UBB was introduced in new buildings in the 1980s and has not been contested since, the legislation concerning existing buildings has been amended continuously since the 1990s. With the Federal Act on the Supply of Energy in 2007 and the publication of model regulations for cantons in 2008, the cantons were obliged to revise or introduce provisions for completely renovated existing buildings once more.

⁹ The German term is *Verbrauchsabhängige Heiz- und Warmwasserkostenabrechnung*

Figure 2: Logic model of the UBB



Several, mostly ex post, evaluations were available when the cases were discussed in parliament. The latest, and most comprehensive study from 2008 describes the design and implementation of UBB for several cantons, including Bern (Rieder, Schwenkel, & Züsli, 2008). It examines the landlords' and the tenants' acceptance of the UBB and presents calculations on the UBB's effects, which confirm the findings of earlier studies (COPLAN ibe, 1997; Ökozentrum Langenbruck, 1995). The Canton of Bern commissioned two evaluations in the 1990s and an overall evaluation of its energy policy in 2000¹⁰. The Canton of Zurich did not commission any evaluation of the UBB but was the object of an evaluation commissioned by the federal administration in the 1990s. In addition, civil servants interviewed in both cantons stated that they observed the implementation and its effects with the help of technical reports.

¹⁰ Department of Transport, Environment and Water of the Canton of Bern (1991); Iten, Hammer, Kessler, and Frick (2000); Sommer (1989)

Case 1 – Uncontested measure in a very highly contested Cantonal Law on Energy

The UBB was debated during the complete revision of the Bernese Cantonal Energy Law between 2009 and 2011. It was only discussed during the committee's deliberations. At this committee meeting, a minority proposal was brought forward to re-introduce the UBB in all existing buildings, which would have led to more restrictive provisions. This proposal was put forward by the social democrats but was rejected. The minority proposal was withdrawn from the subsequent plenary debate as the social democrats' contact in the administration said "that this does not do much from an energy-policy perspective" (Case1-MP1)¹¹. Consequently, it was not discussed in any of the plenary debates.

The interviews confirmed this impression of comparatively very little political conflict. The interviewees could not identify any political actors who strongly lobbied for or against the measure. However, all the interviewees remembered that the UBB was fiercely debated in 2000: "back then it was decided how it is and afterwards it was not called into question" (Case1-MP3). The UBB was considered as an unimportant element of the revision, since many other elements were strongly contested. Several interviewees described the complete revision of the Cantonal Energy Law by the executive as an exemplary project. It was contested from the beginning, and the Liberals and the right-wing Swiss People's Party (SVP) in particular sharply criticized the bill's version in the government's proposal to the parliament. The SVP and the Bernese Association of Homeowners¹² afterwards launched a counterproposal¹³, which received a majority in the referendum.

¹¹ Original in German, author's own translation (applies for all following quotations).

¹² Original: Hauseigentümerverband Bern und Umgebung, author's translation

¹³ The provisions concerning the UBB were the same in the bill and the counterproposal.

Analytical use

The interviews suggest no analytical use by the MPs and somewhat indirect evaluation use by the administration in the policy process. While the administration systematically collects evaluations or technical reports and uses them to draft papers or bills, it was not drawn on any particular study concerning the UBB. "Evaluations were already made" (Case1-Admin), experiences gained. The administration knew of the latest study, but this did not change its opinion. The MPs interviewed could not remember using any evaluation studies when informed themselves about the UBB. None of the interviewees could recall evaluations being mentioned later during the committee meetings.

Political use

Political use of evaluations is not observed in the documents and the interviews during either the pre-parliamentary phase or the parliamentary phase. The administration did not cite evaluations in either the documentation of the consultation procedure or the government's proposal. The parties commented on the UBB in the consultation procedure, but they did not refer to evaluations. All the major parties also published one or more press releases in both the pre-parliamentary and the parliamentary phases, but these did not mention the UBB. No studies were cited during the committee meetings either.

In summary, Case 1 involved very little conflict. Neither analytical nor political use of evaluations by the MPs can be observed.

Case 2 – Little conflict over either measure or Energy Law

In Zurich, the UBB was debated during the revision of the Energy Law in 2010 and 2011. A single initiative on the UBB by private citizens¹⁴ was also examined during this revision.

¹⁴ Single initiative 278/2006. In the canton of Zurich, a private citizen can launch an initiative that is then discussed if at least 60 MPs support it.

Consequently, the UBB was discussed twice in both committee and parliament. In both instances, a group of left and green parties and one small moderate party supported more restrictive provisions than those proposed by the government and the committee's majority. During the discussion of the Energy Law, two minority proposals on more restrictive provisions were rejected. The single initiative was discussed three months later by a parliament that had been newly elected in the meantime. This vote was very close, but the single initiative was eventually rejected.

The interviewees considered the UBB as an unimportant, apolitical element of the Energy Law: "the real political battle took place in the end of the 1980s and the beginning of the 1990s." (Case2-Admin). While the political positions were clear, the interviewees could not identify political actors who argued strongly against the UBB. The opponents probably expected that the minority proposals would have no chance. Based on previous experience, the government also expected that more restrictive provisions would not gain a majority and would be difficult to implement (Regierungsrat Zürich, 2010). Moreover, the revision of the Energy Law was generally not seen as very important, as only a few measures had to pass parliament.

Analytical use

The interviews show that evaluations were only indirectly used in the policy process. When elaborating the bill, the administration relied on their accumulated knowledge about the UBB and therefore used evaluations and the experiences gained during the implementation of the measure conceptually. Working with a specific study or commissioning one was seen as unnecessary thanks to this rich daily experience. Moreover, the recent studies were examined critically, as they were commissioned by the federal administration and not the cantons. The MP interviewed did not read an evaluation, but instead listened to personal

advice from the proposers of the single initiative: "one maybe tries to go for studies less than for experts whom one knows; we hope that they have also read a study now and then" (Case2-MP1). In the parliamentary phase, the whole committee then consulted the proposers of the single initiative. The proposers presented information on the effects and argued why they wanted to re-introduce the UBB, but they did not refer to evaluations. Moreover, proposers are invited to hearings as a matter of course, and the committee did not ask for other experts or studies.

Political use

Only single instances of political use can be observed in the policy process. One observation of political use by the government is found in the pre-parliamentary phase. The government stated in the proposal that "with the introduction of the usage-based billing of heating and domestic hot water the energy consumption can be reduced about 10 to 15 per cent, as several studies by the Federation and the cantons show¹⁵." Since no press releases are found for the pre-parliamentary phase, no political use by the political parties can be observed. While neither the administration nor the MPs alluded to evaluations during the committee meetings in the parliamentary phase, political use can be found once in the plenary discussion. One MP cited a study in the plenary debate concerning the single initiative. The MP argued that the UBB is likewise important for small and medium-sized companies, since "60 per cent of the SMEs do not know their energy consumption, according to a recent

¹⁵ Government Council of the Canton of Zurich (2008). *Bericht und Antrag des Regierungsrates an den Kantonsrat zur Einzelinitiative KR-Nr. 278/2006 betreffend Einführung der individuellen Heizkostenabrechnung* [Report and proposal of the Government Council to the Cantonal Parliament concerning the single initiative no. 278/2006 regarding the introduction of the individual billing of heating], p. 2.

survey by the Federal Office of Energy¹⁶.” Parties’ press releases are not found for the parliamentary phase. Neither the policy expert nor the MP interviewed could remember using evaluations politically.

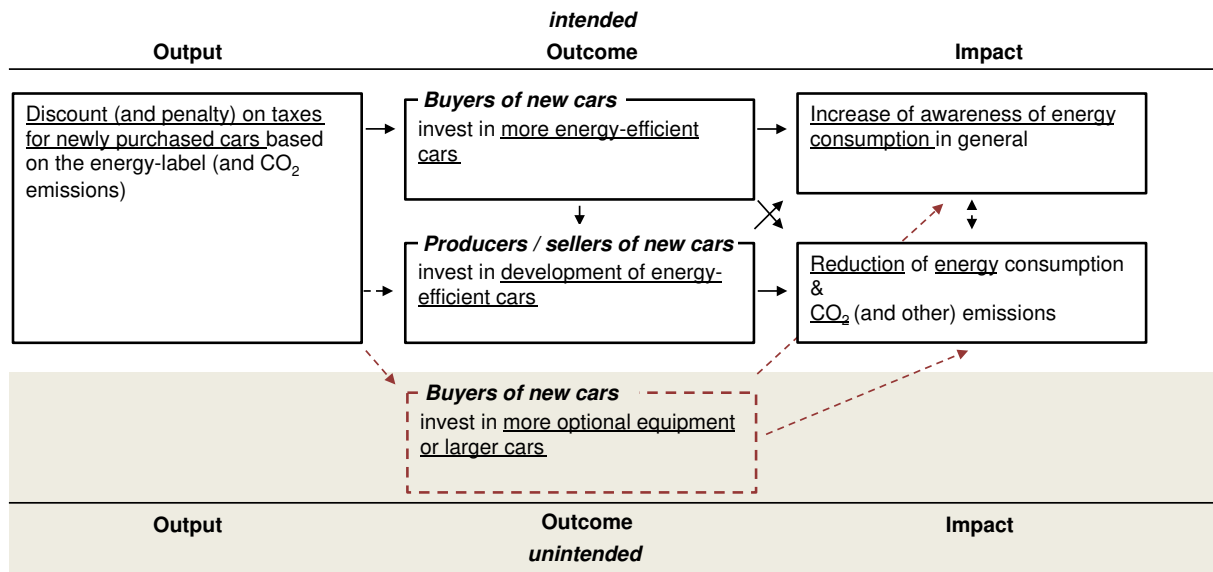
To summarize, Case 2 involved little political conflict. The MPs indirectly used evaluations analytically by asking experts, who did not refer to evaluations. Political use by the MPs is observed just once.

Case study: Taxation scheme for energy-efficient cars

The taxation scheme for energy-efficient cars is a fiscal measure that is intended to set an incentive for buyers of new cars to choose more energy-efficient cars. This should ultimately reduce energy consumption and carbon dioxide emissions (see Figure 3). Joint initiatives of several cantonal administrations and requests from MPs of diverse parties put taxation schemes for energy-efficient cars on the agenda of both cantons. In 2007, a model scheme was elaborated by representatives from the federal administration and 18 of the cantonal administrations, including Bern and Zurich, together with experts from the Swiss Federal Institute of Technology in Zurich (ETHZ) and a private research company. The cantons then adapted the scheme to suit their taxation systems and to respond to MPs’ requests.

¹⁶ Minutes of the Cantonal Parliament of Zurich, 6th meeting on June 6, 2011, p. 359.

Figure 3: Logic model of the taxation scheme for energy-efficient cars



Because taxation schemes were discussed as fiscal energy policy measures from the late 1990s, mostly ex ante evaluations were available when the cases were debated in parliament. While several studies were commissioned by the federal administration in the early 2000s¹⁷, the largest and most recent contribution was made by a research project at the ETHZ from 2004 to 2007. This research team conducted a survey among Swiss households and designed a simulation of the car market. The project produced ex ante evaluative information about the effects on energy consumption and carbon dioxide emissions that result from changes expected in the behaviour of the buyers of new cars. These calculations were complemented with findings from behavioural economics.

Case 3 – From consensus to high conflict in a tale of direct democracy

In Bern, the taxation scheme was discussed during the revision of the Law on the Taxation of Road Vehicles between 2008 and 2012. The government proposed to offer a time-limited discount of 20 to 80 per cent on the taxes for newly bought cars in the two best energy

¹⁷ See e.g. Hammer, Maibach, and Marti (2001); Iten, et al. (2005). Only Hammer and Maibach (1999) focused on the cantons.

categories, and to impose a permanent penalty on the taxes for newly bought cars in the two worst categories and for cars older than 20 years. The committee largely followed the government's proposal; the only modification was that all amendments became effective in 2011 and not only the taxation scheme¹⁸. In the parliament, four minority proposals about the taxation scheme were discussed, two on the duration of the discount in the first reading and two on the transitional provisions in the second reading. All four minority proposals were rejected. The SVP brought forward three of these proposals. Additional minority proposals on the penalty were made by the SVP and discussed in the committee, but withdrawn from the plenary meeting.

The interviews and the documents suggest that the taxation scheme was comparatively little contested in the pre-parliamentary and parliamentary phases, but became part of a very political question after the referendum was launched. All the interviewees described the process in the committee and the parliament as "very harmonious" (Case3-MP2) or "consensus-driven" (Case3-MP1). The bill passed the final vote with more than 80 per cent of the votes. A referendum with counterproposal was afterwards launched on the initiative of a private citizen. It was supported by the SVP, who had formerly largely supported the law, and the cantonal trade association. The counterproposal intended to introduce only a discount but no penalty and to reduce the basic tax rate by 33.3 per cent. The focus of the discussion shifted completely to the level of the vehicle taxes, as Bern's are among the highest of all the cantons. In a third reading, the committee and the parliament recommended rejection of the counterproposal. The referendum in 2011 was extremely tight, with just 363 votes more in favour of the counterproposal¹⁹. As some of the municipalities

¹⁸ A reduction of the basic tax rate of 5.6 per cent was also discussed.

¹⁹ 351 800 votes cast

had destroyed the ballot papers in the meantime, the votes could not be recounted. In the second vote in 2012, the voters clearly favoured the counterproposal.

Analytical use

The interviews suggest that the administration, and to a lesser extent the MPs, used evaluations analytically in the policy process. According to the civil servant interviewed, the administration systematically assessed and documented all the studies they used. Through the whole process, the administration relied on one expert, whom they knew from previous projects. The expert was commissioned to evaluate the bill and was invited to present it to all the MPs and later at a media conference. Consequently, the MPs interviewed were mostly informed by the administration and by the expert's presentation, which was held before the deliberation in the committee. About 60 of the 160 MPs attended the presentation, in which the expert summarized the expert's report and talked about "how the car buyer ticks" (Case3-Admin). All the MPs interviewed said that this presentation helped them gain an understanding of the issue. They could remember consulting the expert's report or the "behavioural studies" (Case3-MP1). One of the opposing MPs found the expert's report, however, to contain "not only a factual component, but also a political component" (Case3-MP2). This led the MP to look for studies on the national level and to consult with the federal administration, which in turn confirmed the MP's impression of bias in the information communicated by the cantonal administration and the expert. Nevertheless, all the MPs interviewed felt well informed, and two MPs affirmed that the expert's opinion and other studies represented a foundation necessary to forming an opinion and making a decision.

Political use

While many references and instances of political use by the executive can be observed throughout the whole policy process, the MPs particularly alluded to evaluations in the

plenary debate. The governmental documents in the pre-parliamentary phase²⁰ contain more than a dozen references to the ETHZ project, its studies, and the expert's report. Based on these references, the government justified why a penalty should be introduced. They were also used to explain why some categories of cars should receive a penalty, and it was cited that the bill's impact was calculated as a reduction in carbon dioxide emissions of 10000 to 15000 tons (Government Council of the Canton of Bern, 2009). Only the social democrats referred to the ETHZ project and the "proven" effectiveness of taxation schemes in their answer to the consultation²¹. In the committee deliberation, the administration later repeated the references made in the documents. The MPs did not refer to evaluations during the committee meetings. In contrast, five MPs in total referred to evaluations during the plenary meeting. For instance, one liberal MP stated that "the ETHZ assumes a steering effect of only 5 per cent on the newly purchased cars. [...] It is thus primarily about setting a political and psychological sign that the energy efficiency of a vehicle can make a little contribution to less harm the environment when buying a car²²." The Government Council also referred to the evaluations, as "several research reports and an expert's report from the ETHZ confirm that [...] this proposal will attain the intended effects ²³ ." During the reading of the counterproposal, the expert's report was mentioned once by the government but never by the MPs.

²⁰ Documentation for the consultation procedure, government's proposal

²¹ Social democratic party of the Canton of Bern (2008). *Stellungnahme zur Änderung des Gesetzes über die Besteuerung der Strassenfahrzeuge (BSFG) [Position statement to the amendment of the Law on the Taxation of Road Vehicles (BSFG)]*, <http://www.spbe.ch/index.php?id=29> (28.01.2016).

²² Journal of the Cantonal Parliament of Bern, August 31, 2009, p. 800.

²³ Journal of the Cantonal Parliament of Bern, August 31, 2009, p. 803.

In brief, conflict in Case 3 was initially low, but then increased radically after a referendum with counterproposal was launched. The MPs used evaluations analytically and politically, mostly before the referendum was requested.

Case 4 – An ever highly contested issue with preconceived positions

In Zurich, the taxation scheme was discussed during the revision of the Motor Vehicle Taxation Law between 2009 and 2012. The government proposed to give a 4-year limited discount on the taxes of 50 to 80 per cent depending on the energy category and the cars' emissions. The committee then proposed more strict emission limits for the discount and a taxation scheme for delivery vans. In parliament, the taxation scheme was discussed on the basis of nine minority proposals. Seven of these minority proposals concerned the taxation scheme for cars. One proposal was to reject the taxation scheme, while three proposals each put forward more or less restrictive provisions. Two minority proposals suggested more restrictive provisions on the taxation scheme for delivery vans. All proposals were rejected, and the parliament adopted the committee's version of the bill. One MP interviewed commented that, while the taxation scheme was clearly the bill's most contested measure, the high number of minority proposals "was not as bad as it seemed" (Case4-MP1) because the proposals concerned mostly the cars' emission limits.

The documents and interviews also suggest that the taxation scheme was highly contested from the beginning. The parties' announcements in their press releases early showed the possibility of a so-called unholy alliance of the left-wing Greens and the right-wing SVP. While the taxation scheme was not ecological enough for the Greens, the SVP was completely against raising taxes and introducing a taxation scheme. Six previous attempts to revise the Motor Vehicle Taxation Law had failed before, either in parliament or in a referendum, and the priority of the government was to design a bill that eventually found

consensus. The taxation scheme was seen as the pivotal element of the law, but only a slight discount and no penalty was therefore considered, with the aim of achieving a majority. The interviewees further described the inclusion of a discount for delivery vans as another key to consensus. According to the interviews, the MPs on the proponents' side were not sure whether a referendum would be held. Ultimately, the SVP requested a referendum together with the trade association, but they lost the vote.

Analytical use

The interviews suggest that the administration used evaluations rather indirectly to elaborate the bill, while the MPs' analytical use varied considerably. The administration was involved in the preparation of the model scheme and knew the experts and some of the studies, but they did not solicit any specific study or expert, as "there were so many insights available from failed projects" (Case4-Admin). Consequently, the administration considered the consultation procedure as more important than expertise in order to elaborate a bill that would pass an eventual referendum. Researching on the Internet, one MP on the proponent's side found a presentation by the expert who had collaborated with Bern. This led the MP to propose to invite the expert to the committee's hearings, as the MP saw "that the expert had something concrete to say to the matter" (Case4-MP3). The committee was consequently mostly informed about the taxation scheme by the administration and the expert²⁴. The MP interviewed on the opponents' side could not remember the expert, as there were so many hearings, the MP said. This MP thus focused on his own calculations of the taxes for specific car models (Case4-MP2). In contrast, the two other MPs interviewed remembered the brief presentation and described it as "very well-grounded" (Case4-MP1) and "excellent" (Case4-

²⁴ An expert on the health consequences of motorised traffic was also invited to the hearing, but that expert's presentation did not refer to the taxation scheme.

MP3). The MP who invited the expert further said that this hearing was important for the whole committee, as the expert explained the taxation scheme's psychological effect. Besides this presentation, the MPs did not recall any other analytical use in the parliamentary phase. Five committee members asked questions of the expert or other invitees during the hearing, but it is difficult to discern whether these questions were asked to become informed or were used as an argumentative tool.

Political use

Only sporadic observations of political use are found in the pre-parliamentary and parliamentary phases. Both the documentation for the consultation procedure and the government's proposal explained that the foundations of the taxation scheme were elaborated in collaboration with the ETHZ, among others. The parties did not refer to any evaluations in their answers within the consultation procedure or in the press releases, although the taxation scheme was a central element in these documents. In the committee phase, the administration did not cite evaluations, and only one MP referred to the expert's presentation. During the hearing, as mentioned, five MPs asked questions that may be interpreted as either analytical or political use. For example, one MP asked whether the expert could confirm the steering effect of the taxation scheme after the expert had already emphasized this steering effect in the presentation before. In the plenary debate, the committee speaker referred to the expert's presentation. In addition, a MP from the SVP asked for a regulatory impact assessment of the bill. As this request was made very late in the policy process, this can be interpreted as tactical (i.e., political) use to delay the process.

Taken together, Case 4 was highly contested throughout the policy process. One MP interviewed used evaluations analytically, while the other interviewees could not remember

or only vaguely remembered the expert's presentation. Political, mostly tactical use of evaluations by the MPs is observed sporadically.

Case comparison and discussion

This paper examines the use of evaluations in four case studies of policy processes in two Swiss cantonal parliaments and focuses on the role of the political conflict. Table 1 summarizes the findings of the case studies. In order to discuss the theoretical expectations concerning political conflict, the summary focuses on the MPs' use. Moreover, categories of conflict and evaluation use are employed for the purpose of comparison. Note that these categories, and consequently the following remarks, refer specifically and comparatively to the four cases investigated.

Table 1: Summary of the case studies

	UBB Bern Case 1	UBB Zurich Case 2	Taxation scheme Bern Case 3	Taxation scheme Zurich Case 4
Political conflict	low	rather low	moderate	high
Analytical use	no	very little	moderate	little
Political use	no	little	moderate	little

Firstly, as previous research has suggested, it was expected that MPs most often use evaluations analytically in situations with a moderate level of political conflict (Jenkins-Smith & Sabatier, 1993). In such situations, MPs should both feel the need to inform themselves and be open to evidence. The case studies show this expected pattern of use. Most analytical use is observed in the comparatively moderately contested Case 3. Yet, it remains puzzling why analytical use in Case 2 and Case 3 should differ so considerably. Secondly, again in line with previous research, it was expected that political conflict and MPs' political use of evaluations are positively related (Frey, 2012; Jenkins-Smith & Sabatier, 1993; Whiteman, 1985). If political conflict is high, MPs presumably want to "make their 'best case'"

(Jenkins-Smith & Sabatier, 1993, p. 49). In this respect, evaluations can provide arguments or serve as a tactical instrument to delay a decision. This expected pattern of use is only partly observed in the case studies. The most contested case, Case 4, confounds expectations, because only little political use is observed. The most political use is observed again in the moderately contested Case 3. Thirdly, concerning the relationship of analytical and political uses, the case studies show that if one form occurred, the other form also did. This finding corroborates previous research on evaluation use in Switzerland (Frey, 2012).

The largest inconsistencies with theoretical expectations thus concern the relationship of political conflict and political use. Why did comparatively little political use occur in the most contested case, Case 4? Looking at Case 3 in Bern can provide insights. The political conflict varied in Case 3. At first, the taxation scheme was considered as an ecological issue, and the policy process was described as consensus driven. In this phase, the analysis shows both analytical and political use by the MPs. After the counterproposal was launched, the discussion shifted to the level of vehicle taxes, and political conflict increased. In this second phase, both political and analytical use are observed considerably less often. This latter phase consequently resembles Case 4, but neither supports the theoretical expectations. Clearly, most political use was observed in the first phase of Case 3. This phase is characterized by a very active administration. It drew systematically on evaluations and referred to them extensively. In addition, the administration used the expert in a somewhat political manner to inform and convince the MPs. As the administration was equally active in both phases of Case 3 but analytical and political use are observed less often in the more contested second phase, the political conflict seems to limit the administration's role. Another characteristic of the first phase of Case 3 is the MPs' considerable analytical use. This implies that an active administration can facilitate MPs' analytical use, which then can result in political use.

The observation of different kinds of political use supports this implication. MPs mostly used evaluations to argue for a proposal in the first phase of Case 3, while they mostly used evaluations for tactical purposes in the highly contested phases of Case 3 and Case 4. Theoretically, it was expected that both kinds of political use increase with the level of conflict. Analytical use seems therefore to facilitate political use for argumentative purposes. However, the example of one MP in Case 4 shows that factors beyond the individual level seem to affect this kind of political use, as this MP used evaluations analytically but not politically in his argumentation.

These explanations concerning the cases involving taxation schemes for energy-efficient cars can be applied to some extent to the cases involving UBB. The seemingly large difference between the analytical use in Case 2 (UBB) and Case 3 (taxation scheme) could thus be explained by the active administration in Case 3. Still, the question remains whether differences between the two measures could have affected evaluation use. In contrast to the taxation scheme, the UBB seems not only to be a very technical measure, but also simple to understand. However, the most important difference seems to concern the measures' novelty: While the taxation scheme was newly adopted, the UBB had already been introduced in the 1980s and 1990s. Interviewees in both cantons indicated that the UBB was fiercely debated in previous policy processes. Evaluation use might therefore be low because both the UBB and the positions were already clearly known.

These comparisons and explanations are limited to four cases of rather technical, energy-policy measures in Swiss cantons. More research is needed to assess when what kind of political conflict has what effect on which form of use. In this respect, the results concerning the taxation scheme, considered as either an ecological or taxation issue, point to the

importance of the framing of the conflict. Lastly, this article does not address evaluation influence.

To conclude, this paper provides a fine-grained picture of both evaluation use and political conflict. While the context factor of political conflict has been early and much studied, the paper's findings suggest extending its conception. They indicate that political conflict goes beyond the disagreement of actors. It is, for instance, shaped by how the issue is framed and can change over time. Most importantly, political conflict does not have to affect the evaluation users of interest directly but can relate to other factors. As both this and previous works show, the administration can facilitate MPs' evaluation use in non-professional Swiss parliaments (Frey & Widmer, 2011; Widmer, 2009). The paper's findings also confirm that this role is shaped and limited by the political conflict and thus whether a referendum is expected (Sager & Rissi, 2011; Widmer & Neuenschwander, 2004). Therefore, the dynamics of the Swiss system also hinder technocratic policymaking in parliaments precisely when much is at stake.

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